



California State Board of Pharmacy

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STATE AND CONSUMER SERVICES AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
GRAY DAVIS, GOVERNOR

ACTION ITEMS – JANUARY 2002 BOARD MEETING

COMMUNICATIONS AND PUBLIC EDUCATION COMMITTEE

The board:

- Reviewed three sample designs of the “Notice to Consumers” and gave the committee direction in developing the final design and poster language. Directed the release of the refined language for the 45-day public comment period required of regulations.
- Authorized the use of an emergency contraception fact sheet prepared by the Pharmacy Access Partnership until the board develops its own fact sheet for patients, as required by SB 1169.
- Reported that the publications and public outreach position was frozen by the Governor’s hiring freeze.
- Reported that *Health Notes* #7 on Quality Assurance Programs is under development. This *Health Notes* will aid pharmacies in complying with the requirements to establish quality assurance programs to reduce prescription errors. The goal is to develop and publish this fiscal year (June 30, 2002).
- Reported that *Health Notes* #8 on Geriatrics will be published next fiscal year 2002/03.

LICENSING COMMITTEE

The board:

- Approved the request from St. Joseph Infusion Services for waiver of California Code of Regulations section 1717(e) to allow the delivery of outpatient infusion drugs to a health center.
- Reported that it submitted a legislative budget change proposal (BCP) to request the necessary resources to implement the licensing and inspection requirements of SB 293 (Torlakson, Chapter 827, Statutes of 2001. This bill requires pharmacies that compound injectable sterile drug products obtain a separate license from the board. That license requires an annual inspection by the board to ensure the pharmacy’s compliance with guidelines on sterile compounding as adopted by the board. Because only a small portion of the requested augmentation was approved, the board withdrew the BCP and cannot implement the bill until adequate resources are approved.
- Released proposed guidelines on compounding injectable sterile drug products as required by SB 293. The board will hold an informational hearing on the proposed guidelines at its April board meeting.
- Voted to amend California Code of Regulations section 1732.2 to accept as continuing education (CE) for pharmacists, courses that are accepted by the Medical Board of California, the California Podiatric Medicine, the Board of Registered Nursing and the Dental Board of California.

- Released the report from the Pharmacy Manpower Task Force – A working group to ensure access to pharmacists' care and prescription services. The board reported that the Licensing Committee will hold an open meeting on March 7, 2002, to consider the proposed solutions to the pharmacist shortage and make recommendations to the board on which proposed solutions to include in the board's strategic plan for 2002-2003.
- Reported that Board President Steve Litsey appointed board members Caleb Zia and David Fong to the Licensing Committee

ENFORCEMENT COMMITTEE

The board:

- Reported on the implementation of the routine compliance program, the responsibilities of the pharmacist-in-charge, the implementation of the quality assurance regulations and the meeting dates for 2002. The public meeting dates for the Enforcement Committee are March 12th and September 10th.

LEGISLATION AND REGULATION COMMITTEE

The board:

- Reported that the Office of Administrative Law approved the Quality Assurance regulation and it became effective January 14, 2002.
- Adopted California Code of Regulations section 1777-1777.5 and 1778-1778.3 with technical amendments requiring a 15-day comment period that authorizes the board to issue citations and fines for violations of the Confidentiality of Medical Information Act and Internet Dispensing law.
- Voted to sponsor legislation to extend the CURES (the electronic tracking of schedule II controlled substances) sunset program date up to five years and to permit practitioners to access the CURES data regarding their patients.
- Voted to sponsor two provisions in the annual omnibus to repeal Article 2 of Chapter 3 of the California Uniform Controlled Substances Act relating to controlled substances warehouse and to conform the California controlled substance schedules to the federal controlled substance schedules. The committee will evaluate the advisability of legislation to require the pharmacist's name be included on the prescription label when therapy is initiated or adjusted by the pharmacist pursuant to protocol.

ORGANIZATIONAL DEVELOPMENT

The board:

- Reported that the Department of Finance denied most of the board's budget change proposals for 2002/03.
 - The Department of Finance approved \$267,000 of an \$847,000 budget change proposal to align board expenditures to program needs and prior years' expenditures in 10 areas, to cover expenses that have been subsidized in part over the years by vacant inspector positions. Since the board no longer has vacant inspector positions, the board will need to reduce program expenditures without supplemental funding. The board received funding of \$159,776 for printing (of which \$84,776 is ongoing funding), \$10,764 for travel, \$41,635 for exam site rental and \$28,825 in outside consultant services.
 - The board did not receive any funding for temporary staff to assist with workload surges, for the board's full printing needs including the printing and mailing of pharmacy law books, postage and for projected expenses at the Attorney General's Office. The board received \$6,000 so that it could upgrade one inspector position to a supervising inspector position. The board had sought 4 additional supervisor positions to provide a more reasonable span of control. The board had requested one chief of enforcement, two supervising inspectors and one clerical supervisor for the office.
 - The board requested two additional staff for the Complaint Unit, which was denied by the Department of Consumer Affairs.
 - The Department of Finance denied two legislative budget changes proposals to implement SB 1169 (to develop a patient fact sheet on emergency contraception) and SB 633 (to issue hypodermic permits to any retailer selling mercury thermometers). The Department of Finance approved only minimal (and insufficient) funding to implement SB 293 (to require pharmacies that perform sterile compounding to be specially licensed), and as a result, the board withdrew its budget change proposal and will seek funding through the legislative deliberations on the 2002/03 budget in the spring.
- Reported that the Governor instituted a hiring freeze on October 23, 2001, resulting in the board being left with seven vacant positions in the Sacramento office. New hires, transfers from other (non-board) agencies or promotions have been "frozen" by the executive order. Exemptions from the hiring freeze have been sought for three of the seven positions with the most critical board impact.
- Announced that it has filled all of its 20 inspector positions.
- Changed the October 2002 meeting dates to the 24th and 25th.
- Approved the October 2001 board meeting minutes.